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HOUSE BILL 821

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

James G. Taylor

AN ACT

RELATING TO WATER AND WASTEWATER; CREATING A CITY-COUNTY WATER AND WASTEWATER AUTHORITY IN CERTAIN AREAS TO REGULATE A WATER AND WASTEWATER UTILITY OPERATING IN BOTH INCORPORATED AND UNINCORPORATED AREAS OF A COUNTY; ENACTING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. -- This act may be cited as the "City-County Water and Wastewater Utility Authority Act".

Section 2. FINDINGS AND PURPOSE. --

A. The legislature finds that administration of a single water and wastewater utility operating within both an incorporated municipality and the unincorporated area of a county is better served by the cooperative and representative efforts of both the municipality and county.

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1 B. The purpose of the City-County Water and
2 Wastewater Utility Authority Act is to create an authority,
3 representative of the areas served by a water and wastewater
4 utility, to cooperatively administer, manage, regulate and
5 operate the utility.

6 Section 3. DEFINITIONS. -- As used in the City-County
7 Water and Wastewater Utility Authority Act:

8 A. "authority" means the entity comprised of
9 representatives of the area served by a water and wastewater
10 utility in both incorporated and unincorporated areas of a
11 county to administer, manage, regulate and operate the
12 utility; and

13 B. "governing body" means the governing body of a
14 municipality or county.

15 Section 4. JOINT CITY-COUNTY WATER AND WASTEWATER
16 AUTHORITY-- CREATION-- POWERS AND DUTIES-- LIMITATIONS. --

17 A. A municipality having a population of over
18 three hundred eighty-four thousand persons at the last federal
19 decennial census located within a class A county having a
20 property valuation of over six billion dollars
21 (\$6,000,000,000) and a population of over four hundred eighty
22 thousand persons at the last federal decennial census shall
23 form an authority to administer a water and wastewater utility
24 providing water and wastewater services within the
25 incorporated and unincorporated areas of the county served by

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the utility.

B. The authority shall be comprised of three members from the municipality, five members from the county and one member from another community in the unincorporated area of the county. The representatives of the municipality and the county appointed to the authority shall choose, upon a majority vote, the community in the unincorporated area of the county from which a representative shall be chosen by the governing body of that community. Representatives serving on the authority shall reside in the areas from which they are appointed.

C. The authority shall administer, manage, regulate and operate the water and wastewater utility, including:

- (1) establishing a budget for the utility;
- (2) setting the rates, charges, fees and conditions for services provided by the utility; and
- (3) establishing the terms and conditions for connections, extensions and enhancements of the water and wastewater system.

D. Decisions and actions of the authority are subject to applicable law governing indebtedness of municipalities and counties.